

UNITED STATES DISTRICT COURT  
NORTHERN DIVISION OF OHIO  
EASTERN DIVISION

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Joseph C. Coxon,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	1:06 CV2910
	)	
City of Mentor, et al.,	)	
	)	
Defendants.	)	

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Deposition of JOSEPH CHARLES COXON, the  
Plaintiff herein, called by the Defendants  
as if upon cross-examination under the statue,  
and taken before Irma A. Blank, a Notary Public  
within and for the State of Ohio, pursuant  
to the agreement of counsel and pursuant to  
the further stipulations of counsel herein  
contained, on January 19, 2009, at 10:00 a.m.,  
at the offices Mazanec, Raskin, Ryder & Keller  
Company, L.P.A., 100 Franklin's Row, 34305  
Solon Road, Cleveland, Ohio, 44139.

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Exhibit E

1 A. I would assume that it went up a little  
2 bit. I'm not real sure, though, what my exact  
3 weight was at the time.

4 Q. Do you know approximately what your  
5 weight would have been on September 2nd of  
6 2004?

7 A. I would -- My best guess would be  
8 between 215, 220.

9 Q. You look like a fairly athletic person.  
10 Have you engaged in athletic pursuits in your  
11 past?

12 A. Yes.

13 Q. Can you tell us about that?

14 A. Well, I played basketball, football and  
15 baseball in high school.

16 Q. Where was that?

17 A. Conneaut, Ohio.

18 Q. Okay. Did you go on to play --

19 A. Yes.

20 Q. -- sports after high school?

21 A. Yes. I played for the University of  
22 Akron baseball.

23 Q. And you graduated from Akron?

24 A. Yes.

25 Q. Did you play baseball all four years

1     there?

2     A.       I played baseball for four years.  I  
3     did not finish my senior season.  I was a  
4     Red Shirt.

5     Q.       Why didn't you complete your senior  
6     season?

7     A.       Well, I was going into my fifth year  
8     of school and was looking to graduate, was  
9     having a hard time getting my classes done  
10    and getting out in a reasonable time.

11    Q.       Okay.  When did you graduate from  
12    Akron?

13    A.       1999.

14    Q.       What was your degree?

15    A.       Education.

16    Q.       You have never had any law enforcement  
17    education of any type?

18    A.       During my first year at Akron, I took  
19    criminal justice class.

20    Q.       Was that a single criminal justice  
21    class?

22    A.       I believe it was.  There could have  
23    been another.  I was looking to get into the --  
24    maybe be a police officer or detective of some  
25    sorts.

1 Q. You've had no other law enforcement  
2 training other than that criminal justice  
3 class that you took at the University of  
4 Akron?

5 A. No, not that I'm aware of.

6 Q. Do you personally engage in any  
7 athletic pursuits, weightlifting, hobbies,  
8 anything like that?

9 A. Yes, I weightlift.

10 Q. How long have you been a weightlifter?

11 A. I've been weightlifting since third  
12 grade.

13 Q. Is that sort of an adjunct to your  
14 other athletic pursuits to help you compete  
15 better?

16 A. Yeah. When I was younger, my dad  
17 would have us -- get us up in the morning,  
18 come downstairs, you know, and work out,  
19 push-ups. He thought it was a good thing  
20 to get us going in the morning, and we enjoyed  
21 it, working out with him. No weights at that  
22 time, but more or less just being active.

23 Q. And have you been a weightlifter pretty  
24 much all of your adult life?

25 A. Yes.

1 Q. As of September 2nd of '04, do you know  
2 what you were, say, bench-pressing as sort of a  
3 mark for strength?

4 A. As a mark for strength, September 2nd  
5 of 2004, I can't give you an exact number, but  
6 I could tell you I was probably 345, give or  
7 take 20 pounds.

8 Q. Do you do anything else to keep in shape  
9 other than weightlifting?

10 A. Yes. I play softball. I try to run  
11 even though I have a hard time doing that; not  
12 for any physical reasons, just for the reason  
13 that running is not enjoyable to me. You know,  
14 I hunt. I try to stay active.

15 Q. Do you engage in any other kind of  
16 aerobic exercise other than running?

17 A. Basketball, swimming.

18 Q. Are you on a regular league or anything?

19 A. No, I do not.

20 Q. Did you engage in basketball and swimming  
21 back in September of '04?

22 A. In that month of September of '04?

23 Q. Well, during that general time period,  
24 were those also hobbies of yours at that time?

25 A. Oh, yes. I probably wasn't swimming

1 question. Your truck is equipped with an  
2 airbag?

3 A. Yes.

4 Q. And that airbag did not discharge?

5 A. No.

6 Q. Do you recall whether or not you had  
7 any discussions with the other driver involved  
8 in this accident?

9 MR. FRIEDMAN: What's your answer, Jim?

10 THE WITNESS: I have no idea.

11 MR. FRIEDMAN: You have no recollection?

12 THE WITNESS: Right. Now, I mean, zero.

13 Q. Do you have any recollection of any  
14 discussions with any other person prior to the  
15 arrival of the police?

16 A. I really have no recollection.

17 Q. Now, there came a time when the police  
18 arrived at the scene, at least according to all  
19 the witness statements in this case.

20 Do you have any recollection of the  
21 police arriving?

22 A. I have no recollection of the police.

23 Q. Do you have any recollection of the  
24 police asking you to get out of your truck?

25 A. I really have no recollection of that.

1 Q. Do you have any recollection of turning  
2 music on in your truck at any point in time?

3 A. No recollection of that.

4 Q. Do you have any recollection of the  
5 police again asking you to get out of your car?

6 A. No. I have no recollection of the police  
7 at all.

8 Q. And when you say you have no  
9 recollection, you can't say that that did or  
10 did not occur; correct?

11 A. I have no idea what occurred.

12 Q. Do you have any recollection of telling  
13 the police, in response to their request that  
14 you get out of the car, "Fuck you. Make me"?

15 A. I have no recollection of that either.

16 Q. You can't say that that did or did not  
17 happen; correct?

18 MR. FRIEDMAN: His answer is, he has no  
19 recollection.

20 A. I really have no recollection of anything  
21 that occurred.

22 Q. Do you have any recollection of putting  
23 your car -- or your truck in reverse after  
24 speaking with the police?

25 A. I have no recollection of that.

1 Q. And you don't have any recollection of  
2 putting your hands in the air and saying,  
3 "Don't shoot me"?

4 A. No, I have no recollection of that.

5 Q. Do you have any recollection of any  
6 police officers reaching into your truck to  
7 put your truck back in park?

8 A. No. I don't, no.

9 Q. And so I can understand the layout  
10 of your truck, what kind of truck is that?

11 A. I have a Chevy Silverado.

12 Q. And that's a large truck; correct?

13 A. Extended cab.

14 Q. Full-size truck?

15 A. Extended cab, yeah.

16 Q. Two or four doors?

17 A. It's an extended cab, so it has two  
18 and like the half door in the back.

19 Q. That's the door that opens backwards?

20 A. Yes.

21 Q. So there is a rear seat in that?

22 A. Yes.

23 Q. And is the gear shift on the steering  
24 column?

25 A. Yes.



1 Q. And the keys are also inserted into the  
2 steering column?

3 A. Yes.

4 Q. Now, you say you have some recollection  
5 of bits and flashes of the struggle between  
6 yourself and the police; correct?

7 A. I don't have any recollection of police  
8 officers.

9 Q. But you recall struggling with somebody?

10 A. I recall getting beaten by people.

11 Q. You couldn't identify them as police  
12 officers in your own mind?

13 A. I -- In the altered state that I'm in,  
14 I couldn't identify anything other than the  
15 fact people are killing me right now, is what  
16 it felt like.

17 Q. And what I want to get at is the  
18 specific things that flash in your mind  
19 about what happened during the course of  
20 this altercation.

21 And I'd like you to describe for me, in  
22 your own words, as best you can, the things  
23 that you're seeing in your mind.

24 A. In my mind, one of the flashes I see  
25 is being driven, my face, into pavement,

1 suffocating.

2 Q. And do you know what was giving you  
3 the feeling of being suffocated?

4 A. I don't know what was giving me the  
5 feeling. I don't know what was causing it.  
6 Maybe my nose being slammed and pressed into  
7 the concrete.

8 Q. Okay.

9 A. I could feel pain from people punching  
10 my balls.

11 Q. And by your balls, you're talking about  
12 your testicles?

13 A. Yes.

14 Q. How many times were you punched in the  
15 testicles?

16 A. I can't tell you a number.

17 Q. More than one?

18 A. I really don't know.

19 Q. What else can you picture in your mind  
20 from this altercation?

21 A. Something covering my face and not being  
22 able to breathe, being jerked and kicked and  
23 clubbed. I don't know if "clubbed" is the  
24 correct word as "punched." Feeling like I was  
25 dying, like a nightmare that I couldn't get out

1 of.

2 Q. Anything else?

3 A. No.

4 Q. I want to ask a couple follow-ups to  
5 make sure I'm understanding what you're talking  
6 about.

7 You indicated that you recall something  
8 covering your face. Okay. Can you describe  
9 what it is that you saw covering your face?

10 A. I can tell you what I learned it to be --

11 Q. Okay.

12 A. -- later.

13 Q. Okay.

14 A. Mace.

15 Q. You later learned it was mace?

16 A. Correct.

17 Q. Gave you this feeling that your face  
18 was covered?

19 A. Yeah. It felt like there was -- it  
20 was just being blown, my nose, my mouth;  
21 just it was like being held under water except  
22 for the water is made of fire, if that makes  
23 any sense.

24 Q. So you recall being jerked, kicked,  
25 clubbed. The clubbing you thought was punching.

1 Do I understand that correctly?

2 A. I couldn't tell you what it was.

3 Q. Okay.

4 A. There was just vicious -- like a baseball  
5 bat.

6 Q. And you say you felt like you were  
7 dying. Tell me what you mean by that.

8 A. What I mean by that is, I mean when  
9 you feel like you're in a fiery water, that  
10 people are just stomping the hell out of you.  
11 It pretty much means that you feel like you  
12 could die if it doesn't stop.

13 Q. Anything else about this altercation  
14 with the police that you can recall of your  
15 own memory?

16 A. Of the time I was getting beat, you  
17 mean just from that time right there?

18 Q. During the time out on the street.  
19 All right.

20 A. I have a recollection of me telling  
21 them that I have no idea how long it was after  
22 screaming "I'm a diabetic."

23 Q. So if I'm understanding correctly, you  
24 can picture yourself telling the police you're  
25 a diabetic at some point, but you don't know

1     when it was in relation to these flashes of a  
2     physical altercation that you can recall?

3     A.       It was after those.

4     Q.       Okay.  You just don't know how long  
5     after?

6     A.       No, I have no idea.

7     Q.       Anything else you can recall of your  
8     time out on the street?

9     A.       I remember them calling -- telling  
10    me -- calling me "a fucking asshole; you're  
11    fucking going down."

12    Q.       That was out on the street?

13    A.       Yes.

14    Q.       Okay.  Do you know who said that to you?

15    A.       "Fucking liar," multiple times.

16       No, I can't -- I don't recall any people.

17    Q.       Anything else you recall about your time  
18    out on the street?

19    A.       No, not that I can recall at this time.

20    Q.       Do you have any recollection of emergency  
21    medical personnel coming to treat you?

22    A.       I was put into an ambulance.

23    Q.       By that time is your memory clearing at  
24    all?

25    A.       When I was able to understand that these

1     were now police officers and that I was in  
2     trouble, because I'm sitting there in handcuffs.

3     Q.       Do you have any recollection of the  
4     treatment rendered to you in the ambulance?

5     A.       Wiping mace and blood off my face.

6     Q.       Did you do that or did somebody do that  
7     for you?

8     A.       I was handcuffed and strapped like  
9     Hannibal Lector in that ambulance.

10    Q.       You were strapped on a cot?

11    A.       Yes.

12    Q.       So somebody wiped your face off for you?

13    A.       Yes.

14    Q.       Was it one of the firefighters?

15    A.       I couldn't see anybody. I couldn't see.

16    Q.       You were transported to Lake West  
17    Hospital, if I'm not mistaken. Is that correct?

18    A.       Yes, that's correct.

19    Q.       Do you have any recollection of that  
20    drive to the hospital?

21    A.       Very vaguely, other than just being wiped  
22    down.

23    Q.       Do you have any recollection of your time  
24    at the hospital?

25    A.       I have some recollection of my time at

1 the hospital.

2 Q. Tell me about your treatment at the  
3 hospital.

4 A. I was handcuffed to a bed of some sort,  
5 to the metal frame of it. And they cleaned  
6 my wounds, gave me food for low sugar, maybe  
7 took -- they asked me what -- why this happened.

8 Q. Who asked you that?

9 A. Nurse. There was people in and out.

10 Q. Do you have any recollection of speaking  
11 with any police officers up to that point in  
12 time when the nurse is asking you what happened  
13 other than the statements you've already told  
14 us about?

15 A. Do I have any recollection talking to  
16 any police officers at the hospital?

17 Q. Up to that point in time.

18 In other words, you indicated that you  
19 have some recollection of police officers  
20 calling you a fucking asshole; you're going  
21 down and calling you a fucking liar. Between  
22 that point in time and the time you reached the  
23 hospital and had this conversation with the  
24 nurse asking you why this occurred, do you  
25 recall any other discussions you may have had

1 with any police personnel?

2 A. There was somebody in the ambulance  
3 with me. And once again I am -- Can't see,  
4 and I'm strapped in. And I asked a question,  
5 and I can't remember the question. I think  
6 what I asked was, did somebody die or something  
7 along those lines, because, I mean, for me to  
8 be in this situation, I thought something huge  
9 had occurred. And I, once again, was told to  
10 shut the fuck up.

11 Q. Any other discussions with any police  
12 personnel up to the point you spoke with this  
13 nurse in the hospital?

14 A. There was two police officers in the  
15 room with me. And I'm sure -- I think I may  
16 have asked one of them to loosen my handcuffs,  
17 if I could just be without them.

18 Q. And do you recall the response, if any?

19 A. "We can loosen them."

20 Q. And did they?

21 A. A little bit.

22 Q. Do you recall being discharged from the  
23 hospital?

24 A. No, I don't remember being -- I remember  
25 leaving the hospital.



1 Q. Okay. How did you leave the hospital?

2 A. Handcuffed, with officers.

3 Q. Did any of those officers --

4 Well, strike that.

5 Where did you go?

6 A. I went to their police cruiser.

7 Q. And did the cruiser take you somewhere?

8 A. They took me to the jail.

9 Q. Mentor jail?

10 A. Yes.

11 Q. How many officers were with you?

12 A. There were two driving the car.

13 Q. Do you recall any discussions on the

14 ride to the Mentor jail?

15 A. No, I don't recall anything.

16 Q. What happened at the jail?

17 A. I was put into a holding cell.

18 Q. What happened then?

19 A. I sat there for hours, and I believe at  
20 that time I could make some phone calls, but I  
21 couldn't remember anybody's number.

22 And a guy came up to me and asked me if  
23 I was some kind of fighter or ultimate fighter  
24 or wrestler -- I don't really remember -- and  
25 just that kind of stuff. I think he was

1 inquiring about my abilities.

2 Q. Now, you say that a guy came up. Was  
3 this somebody that appeared to be in a police  
4 uniform or another inmate or --

5 A. No. It was a -- It was some kind of  
6 an officer, someone who worked.

7 Q. Now, you've sat through the depositions  
8 of several police officers that said they were  
9 involved in the altercation with you out on the  
10 street; correct?

11 A. Yes, I was at the deposition.

12 Q. Do you recognize any of those officers  
13 being in the company that took you to the  
14 hospital in the ambulance?

15 A. I don't know who was with me in the  
16 ambulance, and I don't -- I don't recall.

17 Q. Do you recall any of those officers as  
18 having been the person you recall calling you  
19 a fucking asshole; you're going down and you're  
20 a fucking liar?

21 A. I don't remember which ones those are.

22 Q. Do you have any recollection of any of  
23 those individual officers who you saw deposed  
24 as being the people that you saw kicking you  
25 or beating you or do anything else out on the

1 street?

2 A. Like I said, when I'm in that altered  
3 state, I can see flashes. And he is mostly --  
4 I remember most -- not even remember, but the  
5 visions are the most horrific ones. I couldn't  
6 tell you a face. I couldn't tell you a day.  
7 I couldn't tell you anything like that.

8 Q. And that's actually a very good way to  
9 put it.

10 As I understand, you cannot attach a  
11 face to the visions that you see in terms of  
12 people who were beating you or kicking you or  
13 putting mace in your face or anything like  
14 that; correct?

15 A. I can't put a face.

16 Q. Were any of the officers that you saw  
17 deposed in this case the officers that drove  
18 you back to the jail?

19 A. I --

20 Q. Well, strike that.

21 Do you recognize them as being any of  
22 the officers that drove you back to the jail?

23 A. I don't recall.

24 Q. Do you recall any of the officers that  
25 you saw deposed in this case as being the